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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,637	10/23/2003	Makoto Nagasawa	03USFP917-M.K.	9154
21254 7590 03/03/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER ALAM, FAYYAZ				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 03/03/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,637

Applicant(s)

NAGASAWA, MAKOTO

Examiner

FAYYAZ ALAM

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 8 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

This action is in response to applicant's amendment/arguments filed on 11/12/2008. **This action is made FINAL.**

Response to Arguments

Applicant's arguments filed 11/12/2008 have been fully considered but they are not persuasive.

Applicant argues on pg. 8 that the figures of Ono, i.e. figs. 2-3 do not satisfy the claim language of independent claims 1 and 15. Further, switching in Ono is entirely different since Ono requires switching the connections to output devices such as audio and visual display units.

Examiner respectfully disagrees.

Firstly, applicant seems to be discussing only the limitations with regards to claim 1. While most of the subject matter of claim 1 and 15 overlaps, there are certain differences. Nevertheless, figs. 2 and 3 of Ono explicitly disclose a first and second switch by disclosing switching means 1021 and 1025. Examiner points out that the claim language is still broad and the functions of the base band block and the application function block are not defined. Therefore, the output devices of the Ono reference that are used to read on the above blocks are a reasonable interpretation.

Applicant argues on pg. 8 that examiner's rationale for substitution of a single switch with dual switch is not a clear substitution common in the art. Moreover, the configuration is not the same in Ono as in Shah.

Examiner respectfully disagrees.

The rationale for clear substitution is common in the art is valid rationale. It would be obvious to one of ordinary skill in the art to substitute a single switch that selectively provides power to the modules/components of a mobile phone with a dual switch which would further provide selectivity by incorporating separate and independent control of power to the modules/components in the mobile phone. Therefore, not only can second switch be added but a third, fourth, or a fifth switch can be added in the interest of power conservation. Especially, when it is known that certain components are provided with power only at certain predetermined times while other components in the phone are required to have power at all times and one of ordinary skill is more than capable of recognizing such a fact. Furthermore, the advantages of power conservation would far out weigh the short comings of a higher cost by adding multiple switches.

While it is true the configurations of the two references are not exactly the same, nevertheless, the secondary reference is used to show that having two switches in a mobile phone is not uncommon and one of ordinary skill in the art would be able to modify Shah to arrive at the claimed invention.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah (USPN 20070060212)** in view of **Ono et al. (USPN 2004/0192412)**.

Consider **claim 1**, Shah discloses a mobile terminal comprising: a battery (see fig. 1); a power supply block which supplies power of said battery (see fig. 1); a radio communication block which communicates with a base station when said power is supplied from said battery through said power supply block, said radio communication block having both a transmission function and a reception function (see fig. 1 and associated text); a first switch which is interposed between said power supply block and said radio communication block(see fig. 1 and associated text); a key operation section to which said power is always supplied from said battery through said power supply block(see fig. 1 and associated text); a control unit which controls said first switch to stop the power supply from said battery to said radio communication block to stop communication between the mobile terminal and the base station in response to a manual operation of said key operation section(see fig. 1 and associated text; [0020]); a base band block which is connected with said first switch and said radio communication

block(see fig. 1 and associated text); an application function block to which said power is always supplied from said battery through said power supply block and is possible to accomplish application functions(see fig. 1 and associated text; [0015]); and, wherein the power supply to said base band block is stopped when said control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section (see [00180-0020]), and wherein said control unit controls said first switch to disconnect said base band block from said application function block (see fig. 1).

However, Shah does not explicitly disclose a second switch which is interposed between said application function block and said base band block and control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block.

In the related field of endeavor, Ono discloses a second switch which is interposed between said application function block and said base band block (see figs. 2-3 and associated text) and control unit is contained in said application function block and controls said second switch to disconnect said base band block from said application function block (see figs. 2-3 and associated text).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah with the teachings of Ono in order to substitute a single switch with a dual switch configuration, the single switch performs the same operation as the applicant's dual switch configuration.

Consider **claim 15**, Shah discloses a mobile terminal comprising: a battery (see fig. 1); a power supply block which supplies power of said battery (see fig. 1); a radio communication block which communicates with a base station when said power is supplied from said battery through said power supply block, said radio communication block having both a transmission function and a reception function (see fig. 1 and associated text); a first switch which is interposed between said power supply block and said radio communication block(see fig. 1 and associated text); a key operation section to which said power is always supplied from said battery through said power supply block(see fig. 1 and associated text); a control unit which controls said first switch to stop the power supply from said battery to said radio communication block to stop communication between the mobile terminal and the base station in response to a manual operation of said key operation section(see fig. 1 and associated text; [0020]); an base band block to which said power is always supplied from said battery through said power supply block and is possible to accomplish application functions(see fig. 1 and associated text; [0015]); control unit controls said first switch to stop the power supply from said battery to said radio communication block in response to said manual operation of said key operation section (see [00180-0020]), and wherein said control unit controls said first switch to stop communication between said base band block and said radio communication block (see fig. 1).

However, Shah does not explicitly disclose a second switch which is interposed between said base band block and said radio communication block and control unit

controls said second switch to stop communication between said base band block and said radio communication block.

In the related field of endeavor, Ono discloses a second switch which is interposed between said base band block and said radio communication block and control unit controls said second switch to stop communication between said base band block and said radio communication block. (see figs. 2-3 and associated text).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah with the teachings of Ono in order to substitute a single switch with a dual switch configuration, the single switch performs the same operation as the applicant's dual switch configuration.

Claims 7-8, 13-14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah (USPN 20070060212)** in view of **Ono et al. (USPN 2004/0192412)** and further in view of **Okano (UK Application GB 2,343,335)**.

Consider **claims 7, 13, and 20** as applied to claims 1, 9, and 15, Okano discloses user inputs a transmission suspension command (read as manual operation of a key) through the data input section (6) (read as key operation section) and the control circuit (1) (read as control unit) controls the switch (12) (first switch) to be turned off and in the event the transmission suspension period is ended the user inputs a command (read as manual operation) which cancels the power cut off signal and consequently the switch (12) (read as controlling said first switch) is turned on (see pg. 6, lines 13 - 20; pg. 11, lines 11 - 19).

Consider **claims 8, 14, and 19** as applied to claims 1, 9, and 15, Okano discloses a timer (9) with a certain time limit (read as predetermined time is set) and the timer counts down the transmission suspension time and when the timer runs out (read as timer measures the predetermined time) the portable communication system is returned to normal operation (read as control unit controls said first switch to be turned on) (see pg. 6 lines 7 - 20; pg. 7, lines 16 - 23).

Claims 16 - 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shah (USPN 20070060212)** in view of **Ono et al. (USPN 2004/0192412)** and further in view of **Usami (USPN 7,062,303)**.

Consider **claims 16 and 17** as applied to claim 15, Shah as modified above fails to disclose said claims.

In the related field of endeavor, Usami disclose controller (14) (read as control unit and first and second switch) controls to turn off the transmitting/receiving section (16) (read as stop communication between the mobile terminal and the base station) (see abstract; fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah as modified above with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Consider **claim 18** as applied to claim 15, Shah as modified above fails to disclose said claim.

In the related field of endeavor, Usami discloses main power supply of the mobile terminal is ON and therefore applications functions of the mobile terminal can carry out while the communication functions are OFF. Therefore, the "base band block" and the "radio communication block" will be effectively disconnected since the power is not supplied to the "radio communication block" (see abstract; [0035]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Shah as modified above with the teachings of Usami in order to completely prevent communication of a cell phone device and thereby avoiding malfunctioning of other critical electronic devices.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

February 23, 2009

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618